

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

Barbara Warwick,

MDL 2327

NO. 2:16-cv-10628

Plaintiffs,

v.

**ETHICON, INC., AMERICAN
MEDICAL SYSTEMS, INC., BOSTON
SCIENTIFIC CORPORATION
Defendants.**

**JOINT MOTION TO DISMISS DEFENDANT
ETHICON, INC. AND JOHNSON AND JOHNSON
WITH PREJUDICE AND PLAINTIFFS' MOTION
TO TRANSFER MDLS**

Plaintiffs in the above-captioned case and defendants Ethicon, Inc. and Johnson and Johnson advise the Court that they have agreed to stipulate a dismissal of all claims. Accordingly, they jointly move the court to dismiss Ethicon, Inc. and Johnson and Johnson as defendants in this action with prejudice, parties to bear their own costs.¹

Other defendants, including American Medical Systems, Inc. ("AMS") and Boston Scientific Corporation, remain in this action, and plaintiffs will continue to pursue this action against them. To that end, an Amended Short Form Complaint has been or will be filed against the remaining defendants.

Further, plaintiffs move to transfer this action from MDL 2327, In re: Ethicon Inc.,

Pelvic Repair System Products Liability Litigation to: MDL 2325. Plaintiffs

¹ The parties jointly move to dismiss Ethicon, Inc. and Johnson and Johnson with prejudice and terminate it from the Court's docket in this matter; the signatures for Ethicon, Inc. and Johnson and Johnson on this motion relate only to the joint motion. The motion to transfer is made only by the plaintiffs.

herein filed a Complaint or Short Form Complaint in MDL 2327 against Ethicon, Inc., and others. Within fourteen (14) days of the filing of this *motion*, plaintiffs will file an Amended Short Form Complaint that no longer includes Ethicon, Inc. and Johnson and Johnson as a named defendants.

Because Ethicon, Inc. and Johnson and Johnson are no longer named defendants in this case, plaintiffs respectfully request that the Court: 1) GRANT the plaintiffs' motion to transfer this action from MDL 2327 to MDL 2325; and 2) direct the Clerk to disassociate this civil action as a member case in MDL 2327 and re-associate it with MDL 2325.

Respectfully:

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Attorneys for Defendants Ethicon, Inc. and Johnson & Johnson with Respect to the Joint Motion to Dismiss Only

Dated: March 14, 2018

ORDER GRANTED
The motion to dismiss with
prejudice against Ethicon Inc. and
Johnson and Johnson and order
the transfer as requested.
Copy to [signature]
FEB 22 2019